

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL DOCKET NO.: 3:01CR178-1-V**

UNITED STATES OF AMERICA                          )  
  )  
  )  
vs.    )  
  )  
JAMES EDWARD BYRD, III,                            )  
Defendant.   )  
  )  
  )

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**O R D E R**

**THIS MATTER** comes before the Court upon remand from the Fourth Circuit Court of Appeals for further proceedings consistent with the Court's opinion.<sup>1</sup>

**IT IS, THEREFORE, ORDERED THAT:**

- 1) The U.S. Marshal shall deliver the above-named Defendant so that his presence may be secured in the United States District Court for the Western District of North Carolina **on or before December 12, 2005**;
- 2) Defendant shall appear for re-sentencing before the undersigned in the Charlotte Division **on January 23, 2006 at 11:00 a.m.**;
- 3) The Deputy Clerk shall deliver a copy of this Order to Defendant, Defense Counsel, U. S. Attorney's Office, U. S. Marshal (certified copy), U. S. Probation, and the Courtroom Deputy.

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<sup>1</sup> The mandate issued October 11, 2005.



**Signed: October 31, 2005**



Richard L. Voorhees  
United States District Judge



